



**STEPHEN E. REITER  
FOLEY & LARDNER  
P O BOX 80278  
SAN DIEGO, CA 92138-0278**

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**OFFICE OF PETITIONS**

In re Application of :  
Neil P. Desai et al :  
Application No. 09/446,783 : DECISION ON PETITION  
Filed: May 16, 2000 : UNDER 37 CFR 1.78(a)(3)  
Attorney Docket No. VPHAR1460-2 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 3, 2003, to accept an unintentionally delayed claim under 35 U.S.C. § 120 to prior-filed applications.

The petition is **dismissed** as moot.

The instant application was filed on May 16, 2000. A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. See MPEP 1481 and 65 F.R. 57024 (Sept. 20, 2000). Therefore, the petition is dismissed as involving a moot issue.

In view of the above, the two \$1,330 surcharge fee charged to petitioner's deposit account will be credited in due course.

Any inquiries concerning this decision on petition may be directed to Frances Hicks at (703) 305-8680.

This application is being forwarded to Technology Center AU 1616 for examination on the reply received November 3, 2003.

  
Frances Hicks

Lead Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy